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Amendments to the Drawings

The attached sheets of drawings (Figures 1, 2A, 2B, 3, 4A-4C, 5A, 5B, 6A, 6B, 7, 8A-8B, 9-11, 12A, 12B, 13, 14, 15A and 15B) are formal replacement drawings for the informal drawings originally filed on this case. Each sheet is noted "REPLACEMENT SHEET".

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REMARKS

The claims are unamended. Claims 1 through 8 remain in this application and stand for examination. Formal drawings have been prepared to replace the originally filed informal drawings. Reconsideration and reexamination are requested in view of the comments made hereinafter.

Objection to the Drawings

Responsive to the objection taken to the informal drawings, applicant has enclosed new formal drawings under 37 CFR 1.121(d). Each sheet is indicated as being a "Replacement Sheet".

Rejection of claims 1-8 for obviousness

The Examiner rejects claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over Nutten et al United States Patent 3,428,406 in view of Reichhelm United States Patent 3,361,183 and Bennett United States Patent 4,061,463.

Nutten et al do not teach a metering valve or an infrared burner. The present application teaches both. Reichelm teaches a liquid fuel control valve and an air supply valve. Reichelm does not teach a single valve for adjusting his fuel supply. Reichelm teaches two valves, one for liquid fuel and one for the air supply. Accordingly, the combination of Nutten et al and Reichelm would not teach an operable infrared burner assembly as defined by the present claims. Bennett teaches an infrared burner which infrared burner requires a pre-mixture of fuel and air before the mixture reaches the nozzle. Accordingly, the combination of Nutten et al, Reichelm and Bennett would not teach an operable burner according to the present invention and it is incumbent upon the Examiner to show that the cited combination of patents would form an operable burner. They do not.

The claims of the present application define a burner

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with unique advantages. The Examiner has failed to show that the three references define an operable combination. It is clear that no such operable arrangement is possible with the references cited and combined in whatever combination.

This is not a rejection under 35 U.S.C. 102 where the combination of claimed elements all appear in a single reference. This is a rejection under 35 U.S.C. 103 where the Examiner has selected one or two claimed elements from a plurality of references and says the invention is obvious. This is a permissible practise if, as the case law makes clear, the chosen references, individually or collectively, teach or suggest the claimed combination. It is clear that no such teaching or suggestion is present in any of the three(3) references cited. Nutten et al do not teach a metering valve or an infrared burner and there is no suggestion or teaching in Nutten et al, Reichelm or Bennett that an infrared burner and metering valve could be so used in such a combination. Reichelm does not teach a single valve for adjusting his fuel supply and neither he, Bennett or Nutten et al teach or suggest such a single valve. Bennett may teach an infrared burner but he teaches a pre-mixture of fuel and air upstream from his nozzle and neither Bennett, Nutten et al or Reichelm teach or suggest combining the air and fuel within the nozzle as is required by the claims.

For these reasons, the claims as they stand define a patentable advance and the three(3) references cited by the Examiner do not teach, individually or collectively, the patentable advance as defined by the claims under consideration.

Since it is clear the three references cited by the Examiner cannot be combined to form the present invention, this case is in condition for allowance and action to that end is requested.

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Respectfully submitted,

~~INTERNATIONAL THERMAL  
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Per:

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